



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,416	05/19/2005	Jaume Pinol Ribas	Q87778	7473
23373 7590 01/26/2010				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
SHAHNAN SHAH, KHATOOL S				
ART UNIT		PAPER NUMBER		
1645				
NOTIFICATION DATE		DELIVERY MODE		
01/26/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com

PPROCESSING@SUGHRUE.COM

USPTO@SUGHRUE.COM

**Supplemental
Notice of Allowability**

Application No.

10/535,416

Examiner

Khatol S. Shahnan-Shah

Applicant(s)

RIBAS ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/08/2010.
2. ☒ The allowed claim(s) is/are Claims 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 are allowed. Claims are renumbered 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Khatol S Shahnan-Shah/
Examiner, Art Unit 1645

Supplemental notice of Allowance

1. Applicants' telephonic discussion of 01/08/2010 is acknowledged. Applicants discussed typographical error in claims 30 and 32.

Supplemental Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tu A. Phan reg # 59,392 on 01/08/2010.

Please enter claims 30 and 32.

Claim 30. (Currently Amended): An immunogenic and non-haemolytic strain of *Actinobacillus pleuropneumonia* having the characteristics of that deposited in the Colección Española de Cultivos Tipo under registration number CECT 5985, or a mutant thereof.

Claim 32. (Currently Amended): An immunogenic and non-haemolytic strain of *Actinobacillus pleuropneumoniae* having the characteristics of that deposited in the Colección Española de Cultivos Tipo under registration number CECT 5994, or a mutant thereof.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Claims 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30-31, 32 and 33 are allowed. Claims are renumbered 1-17.

The instant invention is directed to an isolated immunogenic, non-haemolytic *Actinobacillus pleuropneumoniae* (App) strain comprises at least one mutation in a transmembrane domain- encoding segment of the *apxIA* gene wherein the segment of the *apxIA* gene corresponds to nucleotides 886 to 945, nucleotides 697 to 759, or

nucleotides 1105 to 1215 of SEQ ID NO. 1, and with or without at least one mutation in a transmembrane domain-encoding segment of the *apxIIA* gene, wherein the segment of the *apxIIA* gene corresponds to nucleotides 886 to 945, nucleotides 697 to 759, or nucleotides 1105 to 1215 of SEQ ID NO. 2

The closest prior art MacInnes US 6,019,984 and Prideaux US 6,472,183 fail to teach or disclose the particular **mutation in a transmembrane domain- encoding segment of the *apxIA* gene wherein the segment of the *apxIA* gene corresponds to nucleotides 886 to 945, nucleotides 697 to 759, or nucleotides 1105 to 1215 of SEQ ID NO. 1.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khatol Shahnan-Shah whose telephone number is (571)-272-0863. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert B. Mondesi can be reached on 571-272-0956.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Khatol S Shahnan-Shah/

Examiner, Art Unit 1645

01/08/2010

/Robert B Mondesi/

Supervisory Patent Examiner, Art Unit 1645